

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3845 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

KANAIYALAL VRAJLAL VYAS

Versus

STATE OF GUJARAT AND ANOTHER

Appearance:

MRS KETTY A MEHTA for Petitioner

MR KT DAVE, A.G.P. for Respondent No. 1, 2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 27/04/2001

ORAL JUDGEMENT

The petitioner who was working as a Child Development Project Officer since 21st April, 1982 has claimed the following relief :

"14 The petitioner, therefore, prays :-

(A) That by a writ of mandamus and/or in the nature of mandamus or by any other writ, direction or order the respondents herein

be directed to fix the pay of the petitioner with effect from 21-4-1982 in the post of C.D.P.O. and to release benefit of two increments for higher responsibility of Class II post and they be further directed to pay to the petitioner the difference of pay and allowances drawn and the pay and allowances to which the petitioner is entitled to as shown in the Schedule Annexure 'C' to the petition and also for the subsequent period from December 1987 onwards till it is fixed."

2. It is common ground between both the parties that in view of the subsequent development it is not necessary to set out facts in detail or deal with various contentions raised in the petition. The learned A.G.P. Mr.K.T.Dave appearing for the respondent has placed on record communication dated 26th April, 2001 alongwith enclosures, received by him from Chief Personnel Officer, Health, Medical Services, Gandhinagar wherein it is stated that pay fixation as well as fixation of annual increment has been sanctioned by District Panchayat vide Order dated 3rd September, 1991. Thereafter by various orders revision of pay-scale has also been effected. The petitioner has voluntarily retired w.e.f. 3rd December, 1992 and has been paid the retiral benefits.

In view of these circumstances, this petition does not survive and is disposed of accordingly.

Petition rejected. Rule discharged with no order as to costs.

(D.A. Mehta, J)
'Bhavesh'